

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
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4 TINA BRADWAY, Individually and as
5 Administratrix of the Estate of
6 TONY BRADWAY,

7
8 Plaintiff,

9
10 -against-

Civil Action No.
CV-09 3177

11 THE TOWN OF SOUTHAMPTON, LINDA A. KABOT,
12 and JOHN DOES 1-10 Consisting of
13 Individuals to be Determined,

14 Defendants.
-----X

15 May 17, 2010
16 9:57 a.m.

17 110 Old Riverhead Road
18 Hampton Bays, New York

19 DEPOSITION of THE TOWN OF SOUTHAMPTON,
20 a Defendant herein, by POLICE OFFICER WILLIAM
21 KIERNAN, taken by the Plaintiff, pursuant to
22 Federal Rules of Civil Procedure, and Notice,
23 held at the above-mentioned time and place,
24 before Lori Anne Curtis, a Notary Public of the
25 State of New York.

A P P E A R A N C E S:

RUSKIN, MOSCOU & FALTISCHEK, INC.
Attorneys for Plaintiff
1425 RXR Plaza
Uniondale, New York 11556
BY: THOMAS TELESKA, ESQ.

DEVITT SPELLMAN BARRETT, LLP
Attorneys for Defendants
50 Route 111
Smithtown, New York 11787
BY: JELTJE DEJONG, ESQ.

ALSO PRESENT:

Sergeant James Kiernan

FEDERAL STIPULATIONS

IT IS HEREBY STIPULATED AND AGREED by
and between the parties hereto, through their respective
counsel, that the certification, sealing and filing of
the within examination will be and the same are hereby
waived;

IT IS FURTHER STIPULATED AND AGREED
that all objections, except as to the form of the
question, will be reserved to the time of the trial;

IT IS FURTHER STIPULATED AND AGREED that the
within examination may be signed before any Notary Public
with the same force and effect as if signed and sworn to
before this Court.

1
2 W I L L I A M K I E R N A N, the Witness herein,
3 having been first duly sworn by a Notary Public
4 in and of the State of New York, was examined and
5 testified as follows:

6 EXAMINATION BY

7 MR. TELESKA:

8 Q Would you please state your full name for
9 the record.

10 A William Kiernan.

11 Q What is your current business address?

12 A My business address is Old Riverhead
13 Road, Hampton Bays, New York 11946.

14 MR. TELESKA: Good morning,
15 Mr. Kiernan. My name is Tom Telesca. We
16 met informally. I'm the attorney for a
17 plaintiff, Tina Bradway in a case she's
18 brought against the Town of Southampton
19 and several police officers, like
20 yourself.

21 Q First I'd like to ask: Have you ever
22 been deposed before?

23 A No, I haven't.

24 MR. TELESKA: Okay, so let me
25 just go over a few ground rules. To your

1 PO W. Kiernan

2 left, is the court reporter, and she's
3 taking down everything we say today. So
4 it's important that I don't talk over you
5 and you don't talk over me, and unlike a
6 normal conversation, it's common for
7 people to anticipate what I'm going to
8 ask and you may already know the answer
9 before I finish the question, but here,
10 just so she can take everything down,
11 it's important that you allow me to
12 finish my question and that I give you
13 the courtesy of finishing your answer
14 before I ask the next question.

15 Understood?

16 THE WITNESS: Understood.

17 MR. TELESKA: Okay, good.

18 And then if I ask a question and
19 there's a certain term or word that maybe
20 you don't understand or maybe it has more
21 than one meaning, please ask me to
22 clarify because I don't want you to guess
23 at anything that I'm asking you about.

24 Okay?

25 THE WITNESS: Okay.

PO W. Kiernan

MR. TELESKA: And then, if I ask a question and you answer it, I'm going to assume that you heard it, that you understood it and that you answered it to the best of your ability.

Okay?

THE WITNESS: Understood.

MR. TELESKA: Okay.

And again, don't guess. Maybe it's possible for you to give a range; for example, I'll be asking you about certain times during the date of the incident. If you don't know the exact minute, if you can feel comfortable giving a range, that's fine, but if you don't know, you don't know, and that's perfectly okay.

Okay?

THE WITNESS: Yes.

MR. TELESKA: If at any time your attorney objects to one of my questions, I'd ask that you stop speaking and allow her to place her objection on the record, and if we have to have a

1 PO W. Kiernan

2 colloquy or go off the record to discuss
3 something, then I'd ask you to just
4 refrain from speaking.

5 Okay?

6 THE WITNESS: Very well.

7 MR. TELESKA: And if at any time
8 you need to take a break, use the
9 restroom, take a call, feel free to ask
10 me and we'll take whatever time you need.

11 THE WITNESS: Okay.

12 Q Okay.

13 Is there any reason why you are unable to
14 testify today?

15 A No.

16 Q Can you give me the benefit of your
17 educational background?

18 A Just a high school diploma.

19 Q Where did you go to high school?

20 A Walt Whitman High School in Huntington.

21 Q Okay.

22 And when did you start working for
23 Southampton Town Police?

24 A In September of '06.

25 Q Okay, and when did you graduate from high

PO W. Kiernan

school?

A 1986.

Q So I assume that you were employed
between 1986 and 2006?

A That is correct.

Q And what were you doing -- let's start
right after high school. What was your first employment?

A I worked at a Loehmann's Department Store
after high school.

Q What were you doing there?

A Stock.

Q And how long did you work there?

A Maybe a year or so.

Q Okay.

And then what did you do after that?

A I worked for an entertainment company
called Le Masquerade.

Q How long did you work there?

A I was there for about four years.

Q And then after that, what did you do?

A I was a roofer.

Q How long were you a roofer?

A For about 15 years.

Q And were you a roofer out here on the

PO W. Kiernan

East End?

A No, they were located in Huntington.

Q And your work was in Huntington?

A It was all over.

Q All over Long Island?

A All over Long Island.

Q And was that the last job you had before you joined the police force?

A It was.

Q Okay.

Q And what is your current job -- your position?

A Officer, police officer.

Q In order to become a police officer, I assume that you have to go to some sort of police academy?

A I did.

Q Where was that?

A Suffolk County Police Academy.

Q And does the Town of Southampton have their own police academy?

A They do not.

Q So if you are an officer for the Town of Southampton, I assume you either go to Suffolk County

PO W. Kiernan

Police Academy or some other?

A Correct.

Q Do you recall when you entered the academy?

A Yes. September 11th of '06.

Q Okay.

Q And prior to entering the academy, I assume there was some sort of application process?

A There was.

Q How long did that take?

A Probably over a year.

Q And you had to submit, I would assume, written application; is that correct?

A That is correct.

Q Was there actually a person-to-person interview process?

A Yes, there was.

Q Okay.

Q Do you recall when you submitted the application?

A No, I don't recall.

Q About a year before September '06?

A Yes, at least a year before.

Q Okay.

1 PO W. Kiernan

2 And was that the first time you had
3 applied to become a police officer in any jurisdiction?

4 A It was.

5 Q Okay.

6 And when did you graduate from the police
7 academy?

8 A March '07.

9 Q And then once you graduate, is there some
10 sort of -- I can't think of the word -- probationary
11 period?

12 A There is.

13 Q How long is that for?

14 A Six months.

15 Q Okay.

16 And then what happens at the end of the
17 six months, are you given a formal review?

18 A Yes, you are.

19 Q And did you have that review?

20 A I did.

21 Q And did you pass to the next step?

22 A I did.

23 Q And was there any other period in which
24 there was some sort of formal review process before you
25 became a full officer, or did that happen at the time

1 PO W. Kiernan

2 that you graduated from the academy?

3 A No, after the academy, you go on field
4 training for eight weeks.

5 Q Okay.

6 And that's part of the six-month period?

7 A That is.

8 Q And the field training, you are with
9 another officer?

10 A Correct.

11 Q Who was that officer?

12 A Officer Gwinn.

13 Q Do you know how to spell that?

14 A G-W-I-N-N.

15 Q Okay.

16 Since becoming a police officer, have you
17 received any promotions?

18 A I have not.

19 Q Have you received any citations? And I
20 mean that in a positive way.

21 A In a positive way?

22 Q Yes.

23 A Yes, I have.

24 Q And for what?

25 A For stopping a burglary in progress.

1 PO W. Kiernan

2 Q Okay.

3 And where was that?

4 A In Hampton Bays.

5 Q And is that the only citation you have
6 received?

7 A Yes.

8 Q And other than the police academy
9 training, have you gone for any other courses outside of
10 that?

11 A Yes. There's radar school, I've been
12 to --

13 Q And when you say "radar school," you mean
14 for speeding?

15 A That's right, radar/laser school,
16 Intoxilyzer school.

17 Q That's for DWI?

18 A Yes.

19 Q Okay.

20 Any other special training?

21 A No.

22 Q Now, is the radar school and the
23 Intoxilyzer, is that something that every police officer
24 does?

25 A Eventually, yes.

1 PO W. Kiernan

2 Q Okay.

3 Did you ever have any -- let me take a
4 step back.

5 In the course of your duty as a police
6 officer, do you carry a Taser gun?

7 A I do not.

8 Q Does it require special training or some
9 sort of certificate in order to carry a Taser?

10 A I don't know.

11 Q Okay.

12 But you have never carried one in your
13 line of duty?

14 A No..

15 Q So have you ever received any kind of
16 particular specified training for the use of a Taser?

17 A No, I haven't..

18 Q Have you ever witnessed another officer
19 use a Taser gun?

20 A No.

21 Q As you sit here today, do you have any
22 independent recollection of the arrest of Tony Bradway?

23 A No.

24 Q Okay.

25 Prior to your testimony this morning, did

PO W. Kiernan

you review any documents?

A Yes, I did.

Q I see in front of you you have what's
entitled your "Supplementary Report"?

A That is correct.

Q And what's the other page that you have
there?

A That's the CAD from that day.

Q What's the CAD?

A The CAD, you know, it gives you the times
of that call.

Q And you reviewed these documents this
morning?

A Yes, I did.

Q Did you review them prior to this
morning?

A Yesterday.

Q And other than your attorney, Ms. DeJong,
or any other attorney that represents you in this case
for the Town, did you speak to anyone about your
deposition testimony this morning?

A No.

Q Okay, so you didn't speak to Officer
Sickles?

PO W. Kiernan

A No, I did not.

Q And Officer Cagno?

A No.

Q Officer Peters?

A No.

Q Officer Frankenbach?

A No.

Q Officer Montelbano?

A I did not, no.

Q How about your brother, Sergeant Kiernan?

A No.

Q Reading the supplementary report, did that help refresh your recollection as to what happened the date of the incident?

A It did.

Q Okay.

And what do you recall about that day?

A Well, I was on a day tour. It was in Alpha 22. I was dispatched -- I was on for a couple hours. Approximately 10:00 or so, I was dispatched to transport a prisoner for Street Crime.

Q And this was June, I believe, 3, 2006 -- I mean 2008?

A I don't recall the date. I have it as

PO W. Kiernan

the 9th here.

MS. DEJONG: It's the 9th.

MR. TELESKA: Okay, I'm sorry.

June 3rd is my parents' anniversary.

Sorry.

Q Okay, so at that point you had been a police officer for approximately a year or so?

A Yes.

Q Okay.

And what is Alpha 22, is that just the zone?

A That is the zone, yes, your sector.

Q And other than looking at your report, do you recall the address where the arrest took place?

A I didn't until I looked at the report. I knew the street; I didn't know the address until I looked at the report.

MR. TELESKA: Okay, can we mark this? I have another one. We'll mark mine.

MS. DEJONG: Sure.

(Plaintiff's Exhibit 1, Supplementary Report, was marked for identification, as of this date.)

1 PO W. Kiernan

2 Q Mr. Kiernan, I'm going to show you what's
3 been marked as Plaintiff's Exhibit 1.

4 Is this the supplementary report that
5 we've been speaking about (handing)?

6 A (Witness peruses document.)

7 Yes, it is.

8 Q Okay.

9 Prior to June 9, 2008 do you recall how
10 many times you transported an arrestee from a -- I'll
11 call it a crime scene, or alleged crime scene, to
12 headquarters?

13 A No, I don't recall.

14 Q Okay.

15 Is that something that happens often?

16 A Yes.

17 Q Okay.

18 And prior to June 9, 2008 had you ever
19 transported an arrestee directly from the, I'll call it,
20 the scene to the hospital?

21 A Yes, I have.

22 Q And can you tell me the circumstances
23 under which you took the arrestee to the hospital?

24 A Yes. It was a DWI 10, which is a DWI
25 accident, where the person was under arrest for DWI, but

PO W. Kiernan

needed to go -- needed medical attention.

Q And why did that person need medical attention?

A Due to the car accident; he was bleeding.

Q Okay.

And the fact that they were bleeding, did that lead you to believe that they needed to go to the hospital?

MS. DEJONG: I'll object to the form.

MR. TELESKA: Okay.

Q What led you to conclude --

A He had complaints of pain.

Q Okay.

So he was complaining to you that he was in pain and needed to go to the hospital?

A Correct.

Q Okay.

And that was before June 9, 2008?

A It was.

Q Okay.

Now, subsequent to June 9, 2008, have you ever had the -- has it ever occurred that you transported an arrestee directly from the scene to the hospital?

PO W. Kiernan

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A Isn't that what we just went over?

Q No, I thought that was before June 9,
2008.

A That was before June 9th.

Q Okay, and now I want to know after
June 9, 2008.

A Okay.

No, I don't recall.

Q Okay, if you don't recall, I don't want
you to guess.

A Okay.

Q In the course of your training at the
police academy or otherwise, did that include some sort
of course or training involving when to transport an
arrestee directly to headquarters or directly to the
hospital?

A No.

Q Okay.

So in the prior occurrence, the person
who was arrested for DWI, was it a man or woman?

A It was a man.

Q Was the man -- you said he was
complaining of pain.

A (Nodding.)

PO W. Kiernan

Q Okay.

So is it true that in order to determine whether an arrestee should come directly to headquarters or go to the hospital, you look for signs of distress?

A That's fair, yeah.

Q Okay.

Would a person who is exhibiting signs of drug overdose, would that be signs of distress?

A I guess, but I'm not qualified -- I'm not a paramedic.

Q Right. I understand. Okay.

But if it appeared to you that a person was overdosing, that may be a sign of distress that you should take him directly to the hospital?

A Okay.

Q You would agree with me?

A Yes.

Q Okay.

Just to kind of get back to the background, you were directed to go to the scene to transport Mr. Bradway back to headquarters; correct?

A That is correct.

Q Who gave you that order?

A The desk sergeant.

1 PO W. Kiernan

2 Q Do you recall who the desk sergeant was?

3 A Sergeant Joyce.

4 Q Now, is the desk sergeant located in this
5 building at 110 Old Riverhead Road?

6 A He is.

7 Q And when you refer to headquarters or HQ,
8 you are referring to this building; correct?

9 A That is correct.

10 Q Okay.

11 I think you testified earlier -- correct
12 me if I'm wrong -- that the place of the arrest of Tony
13 Bradway, it was a house?

14 A It was.

15 Q Was it a single-family house?

16 A I'm not sure.

17 Q Okay.

18 And when you arrived at the house, do you
19 recall, other than Mr. Bradway, who was there?

20 A I do.

21 Q Who was there?

22 A There was Officer Peters, Officer
23 Sickles, Officer Cagno, Officer Frankenbach, there was a
24 male subject in handcuffs there and a female subject, as
25 well.

PO W. Kiernan

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Q Was the male subject Tony Bradway?

A At that time I didn't know, but yes.

Q Okay, having the benefit of hindsight --

A It was.

Q But when you arrived at the scene, you saw a man and woman in handcuffs?

A Correct.

Q Were they in the house?

A They were.

Q Where in the house were they?

A I never made it past the foyer. Officer Peters was right there. They were seated -- Mr. Bradway was to my right, seated in a chair at a table.

Q Like the kitchen table or dining room table?

A Yeah, I think it was a wooden dining room table.

Q Okay.

Other than the police officers and the male and female that were under arrest, were there any other people there?

A Not that I recall.

Q Okay.

So, other than -- excluding the other

PO W. Kiernan

police officers and Mr. Bradway and the female, did you speak to anyone else at the scene on that day?

A No.

Q Okay.

So when you arrived, Mr. Bradway had already been arrested?

A Correct.

Q Do you recall what time that was?

A In between ten and 10:30, I was there.

Q Okay.

And if you look at your supplementary report that's marked as Plaintiff's Exhibit 1, it says you arrived at Greenfield Road at 1028 hours. That's 10:28 in the morning?

A Correct.

Q Okay.

And Mr. Bradway was in handcuffs?

A Yes, he was.

Q How was he handcuffed?

A Rear; behind.

Q Okay, so his arms are behind his back?

A Correct.

Q Is that the customary way that you would --

1 PO W. Kiernan

2 A Yes.

3 MS. DEJONG: You have to let him
4 finish.

5 THE WITNESS: I'm sorry.

6 MS. DEJONG: You've been doing
7 pretty good.

8 A Yes, it is.

9 Q Okay.

10 So is there ever a time when you would
11 handcuff somebody in the front of their torso?

12 A Rare, but yes.

13 Q Okay.

14 And why would you do that?

15 A Occasionally taking prisoners to
16 arraignment, they are handcuffed in the front.

17 Q But when you arrest somebody at the crime
18 scene, you arrest them with their arms behind their back?

19 A Correct.

20 Q Okay.

21 When you entered the home, was Mr.
22 Bradway acting in a threatening manner?

23 A Not at all.

24 Q What is your recollection as to his
25 condition?

1 PO W. Kiernan.

2 A He seemed calm. He was in a discussion
3 with Officer Sickles.

4 Q And do you recall what they were
5 discussing?

6 A No, I was at least 20 feet away, across
7 the room.

8 Q Did it seem like he was under the
9 influence of any narcotic or alcohol?

10 A Not to my knowledge.

11 Q Okay.

12 When you first arrived at the scene --
13 and it's, according to your report, 18 Greenfield Road?

14 A Okay.

15 Q Does that refresh your recollection or
16 you don't really have an independent recollection as to
17 the location?

18 A No, I do. It was Greenfield Road.

19 Q Okay.

20 And where is Greenfield Road in the Town
21 of Southampton?

22 A It's right off of County Road 39.

23 Q Okay.

24 When you arrived at the Greenfield Road
25 address, did you have any conversations with any of the

1 PO W. Kiernan

2 police officers that were there?

3 A Yes.

4 Q Who did you speak to?

5 A Officer Peters.

6 Q You spoke to him first?

7 A Yes.

8 Q And what did he say to you and/or what
9 did you say to him, if you can recall?

10 A I don't recall.

11 Q Okay.

12 Do you recall the sum and substance of
13 the conversation?

14 A No.

15 Q Did you speak with any of the other
16 officers?

17 A Not at all, just Officer Sickles, a
18 little after.

19 Q And what do you mean by "a little after"?

20 A I don't know, like 15 minutes later, he
21 was asking me to transport him to headquarters, and that
22 was it.

23 Q Okay, when you were at Greenfield Road?

24 A Okay -- yes, I'm sorry.

25 Q Okay.

1 PO W. Kiernan

2 And other than Officer Sickles telling
3 you to transport Mr. Bradway to HQ, do you recall any
4 other thing he said to you or something you may have said
5 to him?

6 A No.

7 Q And at the time, I assume -- who walked
8 Mr. Bradway to the car?

9 A Me and Officer Sickles.

10 Q At that time, had Tony Bradway's
11 condition changed at all since you first saw him?

12 A No.

13 Q So you arrived at approximately 10:30;
14 correct?

15 A Correct.

16 Q Do you recall how long after the time
17 that you arrived that he was placed in the car?

18 A About 15 minutes.

19 Q 15 minutes, okay. And his condition
20 seemed the same to you?

21 A Yes, it did.

22 Q And he seemed okay?

23 A Okay, yes.

24 Q Okay.

25 Do you know why the other officers were

1 PO W. Kiernan

2 at the house? Was it to arrest Mr. Bradway or for some
3 other reason?

4 A I don't know.

5 Q So other than the specific task of
6 transporting Mr. Bradway to headquarters, at that time
7 you knew nothing, if anything, was happening at the
8 scene?

9 A That's correct.

10 Q How about today?

11 A Yes, I know today.

12 Q What do you know?

13 A I know that he was tased --

14 Q Okay.

15 A -- because he put narcotics in his mouth,
16 and that's it.

17 Q Okay.

18 Do you know -- but today do you know if
19 that was the reason why the original officers went to 18
20 Greenfield Road?

21 A No, I still don't know that.

22 Q Okay.

23 So you are aware that Mr. Bradway had
24 been -- you said "tased" or "tasered"?

25 A He was "tased," I said. Which is

PO W. Kiernan

correct, I'm not sure.

Q Okay, "tased."

And it's your understanding that he was tased because he was attempting to ingest some sort of narcotic?

A That is what I found out later.

MS. DEJONG: Yeah, I'm going to object to the hearsay, but whatever. You can answer it, but for the record, it's over objection.

THE WITNESS: Okay.

Q But just to be clear, you didn't see him get tased?

A I did not.

Q And you didn't see him ingest any narcotic, if any?

A I did not.

Q So assuming that occurred, it happened before you arrived at 18 Greenfield Road?

A Correct.

Q Okay.

Did any of the officers that were there, or anybody else for that matter, tell you at the time that you arrived that he had ingested some sort of

PO W. Kiernan

narcotic?

A No. They told me that he attempted to. They said he was tased because he attempted to ingest narcotics.

Q So at that time it was your understanding that he did not actually ingest any drugs?

A I wasn't sure. I don't know.

Q But from what the other officers told you, he merely attempted; he didn't succeed in swallowing any drugs?

A They didn't clarify that.

Q Okay.

And when you transported Mr. Bradway from Greenfield Road to headquarters, were you the only officer in the car?

A I was.

Q So it was just you and Mr. Bradway?

A Correct.

Q Okay.

And is that common for one police officer to transport an arrestee from a scene to headquarters?

A Yes, it is.

Q And did you have any conversation with Mr. Bradway?

1 PO W. Kiernan

2 A I had just asked him if he would like the
3 window open, to which he replied "No, I'm fine."

4 Q And his condition, just to be clear, at
5 the point he was put in the car -- I assume in the back
6 seat?

7 A Correct.

8 Q -- he appeared to be normal?

9 A Yes.

10 Q Okay.

11 Did that normal condition change at any
12 time while you were on the way from Greenfield Road to
13 headquarters?

14 A No.

15 Q And how long did that drive take?

16 A No more than ten minutes.

17 Q So he got here approximately -- I don't
18 know, 11:15? If you want, you can refer to your...

19 A Yeah, I have 10:55.

20 Q Oh, okay.

21 And just to be clear, in your report you
22 reference a Tony "Pedaway." Is that Tony Bradway?

23 A Yes.

24 Q Do you know why it says "Pedaway"?

25 A I don't know.

PO W. Kiernan

Q And when you arrived here, if you can just walk me through, I assume you got out of the car, and you opened the door and took him out of the car?

A Yes, and he got out of the car, we walked into headquarters and entered the detention area.

Q And I assume that's the door that says "Police Officers Only" outside?

A Correct.

Q And when you enter the detention center, what's in the detention center? Is that where the desk sergeant is?

A No, it's not.

Q Who do you first meet when you get into the detention area?

A Well, the desk sergeant would come to me eventually.

Q And did that happen?

A It did.

Q And who was the desk sergeant?

A Sergeant Joyce.

Q So it's the same sergeant that directed you to Mr. Bradway?

A Correct.

Q And what does Sergeant Joyce say, if

PO W. Kiernan

anything?

A I don't recall.

Q So once -- is it true that once Sergeant Joyce entered the detention area that your job was done?

A No, not at that point.

Q So what did you do once you brought Mr. Bradway into the detention area?

A I sat him down -- he sat down on the bench, and his clothes had all white powder on them, so, you know, Sergeant Joyce said to have him come and jump into a jumpsuit and put those clothes into an evidence bag.

Q And you did that?

A I did that, yeah.

Q In your supplementary report marked P-1, the second to last sentence, it says -- I'll just read, I guess, the third to last sentence.

It says, "I gave Mr. Pedaway a jumpsuit and he put it on."

Do you see that?

A I do.

Q So that's what you just described to me, that you took off his clothes because they were covered in a white substance and you had him put on a jumpsuit.

1 PO W. Kiernan

2 A He took off his clothes, yes.

3 Q And you handcuffed him to a pole in the
4 detention area?

5 A Correct.

6 Q And I assume that's common practice?

7 A Yes, that's correct.

8 Q And then it says, "At that point,
9 Sergeant Kiernan entered the detention area and told me
10 to go back to my sector."

11 Is that what happened?

12 A That is what happened.

13 Q Now, did Sergeant Joyce ever enter the
14 detention area?

15 A No.

16 Q Okay.

17 So, I just want to clarify. Before I
18 thought you had testified that it was Sergeant Joyce who
19 came in the detention area.

20 A No. There's a -- the detention area, you
21 go in and the bars close, all right? There's a hallway.
22 Sergeant Joyce came in and was behind the bars. He was
23 never in the detention area; he stood behind the bars,
24 which is normal.

25 Q Okay.

1 PO W. Kiernan

2 And what, if anything, did Sergeant Joyce
3 say to Mr. Bradway?

4 A I don't recall.

5 Q Did they have a conversation?

6 A Not that I recall.

7 Q How about Sergeant Kiernan, when he
8 entered the detention area, did you have a conversation
9 with him?

10 A No. I left seconds -- right after he
11 entered.

12 Q And did Sergeant Kiernan tell you it was
13 okay to leave at that point?

14 A He did.

15 Q And where did you go?

16 A Back into my sector.

17 Q Back on patrol?

18 A Back on patrol.

19 Q And did you witness Sergeant Kiernan when
20 he entered the detention area have a conversation with
21 Mr. Bradway?

22 A No.

23 Q Okay.

24 And at the time that you left the
25 detention area, how would you describe Mr. Bradway's

PO W. Kiernan

physical condition?

A Normal.

Q How about his mental condition?

A Normal.

Q So at that point it didn't appear to you that he was overdosing or having any sort of mental or physical problem?

A No.

Q And when did you first learn that Mr. Bradway passed away?

A I think it was days later, a couple days later.

Q And do you recall what kind of reaction, if any, you had?

A No, I don't recall.

Q And at that time were you advised by anyone as to the cause of his death?

A No.

Q As you sit here today, do you know the cause of his death?

A No.

Q Since you learned of Mr. Bradway's death, have you had any conversation with any of the officers that were at the Greenfield Road home?

1 PO W. Kiernan

2 A Yes.

3 Q And do you recall the last time you spoke
4 with any of the officers?

5 MS. DEJONG: About anything?

6 MR. TELESKA: Yeah. About --

7 MS. DEJONG: It's a small
8 department.

9 MR. TELESKA: Okay, about
10 Mr. Bradway.

11 A The last time, it was probably with
12 Sergeant Kiernan.

13 Q And do you recall when that was?

14 A No, but it was shortly after I found out
15 about what happened.

16 Q So the last time you spoke about
17 Mr. Bradway with any of the other officers was more than
18 a year ago?

19 A Yes.

20 Q Okay.

21 And do you recall what you spoke about?

22 A Well, they just -- you know, me being
23 somewhat new, they told me what might be coming, such as
24 this day. That's all.

25 Q Okay.

1 PO W. Kiernan

2 And do you recall the last time you spoke
3 with Officer Sickles about Mr. Bradway?

4 A I don't think I ever did.

5 Q How about Officer Cagno?

6 A No, probably just Officer Peters and
7 maybe Sergeant Kiernan.

8 Q Okay.

9 And when did you last speak to Officer
10 Peters about Mr. Bradway?

11 A Back then.

12 Q At or about the time you found out he
13 passed away?

14 A Yes.

15 Q Do you recall what you spoke about?

16 A Same thing, you know, what might be
17 coming. That's all.

18 Q And when you say "what might be
19 coming" --

20 A Depositions.

21 Q -- the likelihood of a lawsuit?

22 A Yes.

23 Q And do you recall the reason, if any,
24 that either Sergeant Kiernan or Officer Peters gave you
25 as to why they thought there may be a lawsuit coming?

PO W. Kiernan

A No. No.

Q And at the time of -- or on the day of the incident, at that day, did you know which officer had tased Tony Bradway?

A No, that day, I did not.

Q Do you know today?

A I think so.

Q And who was that?

A Officer Sickles. But I found that out from hearsay as well, not from him.

Q Okay.

How many police officers are in this department, if you know?

A Approximately 80.

Q Approximately 80?

A Yes.

MR. TELESKA: Can we mark these as Plaintiff's Exhibits 2 and 3.

(Plaintiff's Exhibit 2, Interoffice Memorandum dated June 26, 2008 to Captain Tenalia from Police Officer Kiernan, was marked for identification, as of this date.)

(Plaintiff's Exhibit 3, Letter

1 PO W. Kiernan

2 to Captain Tenaglia from Sergeant Joyce,
3 was marked for identification, as of this
4 date.)

5 Q Okay, Mr. Kiernan, I'm going to show you
6 what's been marked as Plaintiff's Exhibit 2 (handing).

7 Do you recognize that document?

8 A (Witness peruses document.)

9 No, I don't.

10 Q Have you had time to review the document?
11 I gave your attorney another copy, and I saw that you
12 were looking at it while the court reporter was marking
13 the exhibit.

14 Have you had a chance to read the entire
15 document?

16 A Yes, I did.

17 Q By reading the entire document, does it
18 refresh your recollection at all as to what this, I'll
19 call it, memorandum was for?

20 A Yes.

21 Q Can you tell me what it was for?

22 A Suffolk Homicide wanted to interview me,
23 and I received a call that night from a union
24 representative asking if I can ask the homicide
25 detectives to postpone it until they could be present.

PO W. Kiernan

That's all.

Q So at some point, were you actually interviewed by a detective?

A I was, yes.

Q And that was from the Suffolk County Police Department?

A It was.

Q And do you know why the Suffolk County Police Department -- and I assume this relates to Mr. Bradway's death?

A I would assume so, yes.

Q And you were actually interviewed?

A I was.

Q And do you know why the Suffolk County Police Department was investigating Mr. Bradway's death?

A No.

Q Okay.

Q And do you recall when you were interviewed?

A No.

Q And do you recall how long the interview lasted?

A Minutes, a few minutes.

Q And I assume they asked you similar

PO W. Kiernan

questions to what I asked you today, your role in the --

A Yes.

Q Okay.

I'm also going to show you what's been marked as Plaintiff's Exhibit 3 (handing).

Have you had a chance to review that document?

A (Witness peruses document.)

Yes, I have.

Q Now, that's not something that you created; correct?

A Correct.

Q That's Sergeant Joyce, who we spoke about earlier?

A Yes.

Q And do you know if Sergeant Joyce was also interviewed?

A I don't know.

Q Okay.

Other than looking at this document, it seems that he was --

A I don't know.

Q -- but you don't have any independent knowledge of that?

PO W. Kiernan

A He wasn't there when I was interviewed.

Q And Officer Peters, do you know if he was interviewed?

A He was there when I was interviewed -- he wasn't in the room, but he was there. Sorry.

Q Was he interviewed before or after you, if you recall?

A He was interviewed before me.

MR. TELESKA: Okay, I have nothing further.

(Time noted: 10:39 a.m.)

A C K N O W L E D G M E N T

STATE OF NEW YORK)

:SS

COUNTY OF)

I, POLICE OFFICER WILLIAM KIERNAN, hereby certify
that I have read the transcript of my testimony taken
under oath in my deposition of May 17, 2010; that the
transcript is a true and complete record of my testimony,
and that the answers on the record as given by me are
true and correct.

POLICE OFFICER WILLIAM KIERNAN

Signed and subscribed to before me this
_____ day of _____, 2010.

Notary Public, State of New York

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C E R T I F I C A T E

I, LORI ANNE CURTIS, a Notary Public in and for
the State of New York, do hereby certify:

THAT the witness(es) whose testimony is
hereinbefore set forth, was duly sworn by me; and

THAT the within transcript is a true record of
the testimony given by said witness(es).

I further certify that I am not related, either
by blood or marriage, to any of the parties in this
action; and

THAT I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this 27th day of May, 2010.


LORI ANNE CURTIS